

**DISPOSITION:** September 24, 1951. The Worldwide Food Products Corp., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed. Of the 850 cases actually seized, 643 cases were salvaged as fit.

**18281. Adulteration of canned sliced beets. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 31860. Sample No. 20855-L.)**

**LIBEL FILED:** October 3, 1951, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about May 3, 1949, from Harlingen, Tex.

**PRODUCT:** 24 cases, each containing 24 1-pound, 4-ounce cans, of sliced beets at Natchitoches, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce, and it was undergoing progressive decomposition.

**DISPOSITION:** November 30, 1951. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of by the United States marshal as provided by law.

**18282. Misbranding of canned spinach. U. S. v. 191 Cases \* \* \*. (F. D. C. No. 31845. Sample Nos. 12971-L, 13225-L.)**

**LIBEL FILED:** October 1, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 26, 1951, by the Van Buren Canning Co., from Van Buren, Ark.

**PRODUCT:** 191 cases, each containing 6 cans, of spinach at Denver, Colo.

**LABEL, IN PART:** "Net Weight 7 Lbs. Your Best Brand Spinach."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight of 7 pounds.

**DISPOSITION:** December 5, 1951. The Yoelin Bros. Mercantile Co., Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled under the supervision of a representative of the Federal Security Administrator.

#### **TOMATOES AND TOMATO PRODUCTS**

**18283. Adulteration and misbranding of canned tomatoes. U. S. v. Rush Canning Co. and James O. Harris and William T. Ash. Pleas of nolo contendere. Each individual defendant fined \$600. No fine imposed against company. (F. D. C. No. 30612. Sample Nos. 70279-K, 70298-K.)**

**INFORMATION FILED:** September 1, 1951, Western District of Missouri, against the Rush Canning Co., a partnership, trading at Exeter and Washburn, Mo., and James O. Harris and William T. Ash, partners in the firm.

**ALLEGED VIOLATION:** On or about November 7, 1949, the defendants guarantied to a firm at Kansas City, Mo., which was engaged in interstate commerce, that any food or other commodity shipped or delivered by the defendants to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the law. On or about August 23, 1950, the defendants shipped

to the holder of the guaranty a quantity of canned tomatoes. The tomatoes so shipped by the defendants were misbranded within the meaning of the law.

The defendants also, on or about September 14, 1950, introduced and delivered for introduction into interstate commerce, from the State of Missouri into the State of Kansas, a quantity of canned tomatoes which was adulterated and misbranded.

**LABEL, IN PART:** "Gardenside Brand Tomatoes \* \* \* Distributed by Regent Canfood Company San Francisco, California" or "Can-D-Lite Brand Tomatoes \* \* \* Packed for Su Mar Foods, Inc. Chicago, Ill."

**NATURE OF CHARGE:** Adulteration (Can-D-Lite Brand), Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding (both brands), Section 403 (h) (1), the article was substandard in quality because of the presence of excessive peel and because the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container.

**DISPOSITION:** December 3, 1951. Pleas of nolo contendere having been entered, the court sentenced each individual defendant to pay a fine of \$600 and placed them on probation for 1 year. No fine was imposed upon the partnership.

**18284. Misbranding of canned tomatoes. U. S. v. 173 Cases \* \* \*. (F. D. C. No. 31853. Sample No. 37984-L.)**

**LIBEL FILED:** September 29, 1951, Northern District of New York.

**ALLEGED SHIPMENT:** On or about July 27, 1951, by H. P. Tull & Co., from Kingston, Md.

**PRODUCT:** 173 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albany, N. Y.

**LABEL, IN PART:** "Iona Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was substandard in quality since it contained peel in excess of the maximum provided by the regulations, and the label failed to bear a statement that the product fell below such standard.

**DISPOSITION:** November 7, 1951. H. P. Tull & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled to comply with the law and the regulations, under the supervision of a representative of the Federal Security Administrator.

**18285. Adulteration and misbranding of tomato paste. U. S. v. 69 Cases \* \* \*. (F. D. C. No. 31388. Sample No. 25594-L.)**

**LIBEL FILED:** July 24, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 15, 1951, by A. Fantis, from New York, N. Y.

**PRODUCT:** 69 cases, each containing 150 6-ounce cans, of tomato paste at Philadelphia, Pa.

**LABEL, IN PART:** "Reginella Brand Italian Tomato Paste."